

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MOON TAIK LIM	:	CIVIL ACTION
	:	
v.	:	
	:	
KOREAN CENTRAL DAILY et al.	:	NO. 02-4072

ORDER

AND NOW, this 13th day of December, 2002, the Defendants having moved to dismiss the Complaint, and the Plaintiff having filed a brief in opposition, with attachments, which appears to provide certain information which the Defendants' Motion contends is fatally absent from the Complaint, it is hereby ORDERED that Plaintiff is given twenty (20) days to file an Amended Complaint.¹

If Plaintiff files an Amended Complaint, Defendants' Motion to Dismiss will be denied without prejudice, and Defendants are allowed an additional twenty (20) days to respond, or may re-file and/or supplement their previously filed Motion to Dismiss.

If Plaintiff does not file an Amended Complaint within twenty (20) days, the Court will consider the Defendants' Motion to Dismiss with reference to the original Complaint only and without considering the materials attached to the Plaintiff's brief in opposition to the Motion to Dismiss.

BY THE COURT:

MICHAEL M. BAYLSON, U.S.D.J.

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¹"A party may not rely on new facts in submissions in response to a motion to dismiss to defeat the motion." Hammond v. City of Philadelphia, C.A. No. 00-5082, 2001 U.S. Dist. LEXIS 10182, at *8 (E.D. Pa. June 29, 2001).